

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 10/530,972 (Patent No. 7,696,163)

Confirmation No. 2406

Applicant: DeFrees et al.

Filed: October 13, 2006 (Issued April 13, 2010)

TC/AU: 1654

Examiner: Thomas Sweeney Heard

Docket No.: 705703 (Client Reference No. NEO00265US2; 7991.204-US)

Customer No.: 23460

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Decision and Certificate of Correction  
Branch of the Patent Issue Division

**REQUEST FOR CERTIFICATE OF CORRECTION OF  
PATENT FOR PATENT OFFICE MISTAKE (37 CFR 1.322(a))**

Dear Sir:

It is requested that a Certificate of Correction be issued to correct errors found in the above-identified patent. Attached hereto is a Certificate of Correction which indicates the requested corrections

It is believed that there is no charge for this request since the applicants were not responsible for such error, as will be apparent upon a comparison of the issued patent with the file wrapper of the application, including the documents submitted herewith, which are further described below. In an abundance of caution, however, a Petition to Correct

Unintentionally Delayed Claim of Priority under 35 U.S.C. 120 also is filed herewith. Accordingly, the Commissioner is hereby authorized to charge any fee that may be required by this request and/or the accompanying petition to Deposit Account No. 12-1216.

The above-identified patent correctly indicates that the underlying application, i.e., U.S. Patent Application No. 10/530,972, is the U.S. national phase of International Application No. PCT/US03/31974, filed October 8, 2003. The face of the above-identified patent, however, does not reflect the fact that International Application No. PCT/US03/31974 is: (1) a continuation-in-part of U.S. Patent Application No. 10/410,945, filed April 9, 2003, which is a continuation-in-part of International Application No. PCT/US02/32263, filed on October 9, 2002; (2) a continuation-in-part of a U.S. Patent Application No. 10/360,779, filed February 19, 2003 which is a continuation-in-part of U.S. Patent Application No. 10/287,994, filed on November 5, 2002, which is a continuation-in-part of International Application No. PCT/US02/32263, filed on October 9, 2002; (3) a continuation-in-part of U.S. Patent Application No. 10/360,770, filed January 6, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/287,994, filed on November 5, 2002, which is a continuation-in-part of International Application No. PCT/US02/32263, filed on Oct. 9, 2002; and (4) a continuation-in-part of International Application No. PCT/US02/32263, filed October 9, 2002.

As noted in M.P.E.P. § 1481.03(II)(B), a Certificate of Correction is appropriate for correction of a prior copending application where priority is based upon 35 U.S.C. 120 to a national application or where priority is based upon 35 U.S.C. 120 and 365(c) to an international application. According to M.P.E.P. § 1481.03(II)(B), the following conditions must be satisfied:

(A) All requirements of 37 C.F.R. 1.78(a)(1) must have been met in the application which became the patent to be corrected. Applicants respectfully submit that the requirements of 37 C.F.R. 1.78(a) have been met here. In particular, International Application No. PCT/US02/32263 names at least one inventor (e.g., Shawn DeFrees) who also is named in the above-identified patent and discloses the named inventor's invention claimed in at least one claim of the above-identified patent as provided by the first paragraph of 35 U.S.C. 112. In addition, International Application No. PCT/US02/32263 is an

international application entitled to a filing date in accordance with PCT Article 11 and designating the United States of America.

Likewise, U.S. Patent Application No. 10/410,945 names at least one inventor (e.g., Shawn DeFrees) who also is named in the above-identified patent and discloses the named inventor's invention claimed in at least one claim of the above-identified patent as provided by the first paragraph of 35 U.S.C. 112. In addition, U.S. Patent Application No. 10/410,945 was entitled to a filing date as set forth in 37 C.F.R. 1.53(b) and included the basic filing fee as set forth in 37 C.F.R. 1.16.

U.S. Patent Application No. 10/360,770 also names at least one inventor (e.g., Shawn DeFrees) who also is named in the above-identified patent and discloses the named inventor's invention claimed in at least one claim of the above-identified patent as provided by the first paragraph of 35 U.S.C. 112. In addition, U.S. Patent Application No. 10/360,770 was entitled to a filing date as set forth in 37 C.F.R. 1.53(b) and included the basic filing fee as set forth in 37 C.F.R. 1.16.

Finally, U.S. Patent Application No. 10/360,779 names at least one inventor (e.g., Shawn DeFrees) who also is named in the above-identified patent and discloses the named inventor's invention claimed in at least one claim of the above-identified patent as provided by the first paragraph of 35 U.S.C. 112. In addition, U.S. Patent Application No. 10/360,779 was entitled to a filing date as set forth in 37 C.F.R. 1.53(b) and included the basic filing fee as set forth in 37 C.F.R. 1.16.

(B) It must be clear from the record of the patent and the parent application(s) that priority is appropriate. The record of the above-identified patent, International Application Nos. PCT/US03/31974 and PCT/US02/32263, and U.S. Patent Application Nos. 10/410,945, 10/360,770, and 10/360,779 clearly reflect that priority is appropriate and that each patent application was copending with the appropriate subsequent patent application at the relevant time.

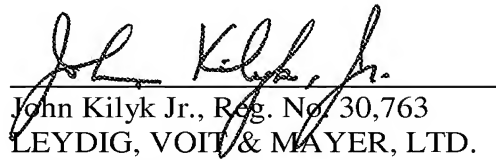
(C) For a claim of priority asserted under 35 U.S.C. 120 and 365(c), the patentee must submit, together with the request for the certificate, copies of documentation showing designation of states and any other information needed to make it clear from the record that

the 35 U.S.C. 120 priority is appropriate. The applicants submit copies of the following relevant documents: (1) the front page of the publication of International Application No. PCT/US02/32263 (Exhibit A), which indicates that such application was filed on October 9, 2002 (Field 22) and designates the United States (Field 81), (2) the front page of the publication of International Application No. PCT/US003/31974 (Exhibit B), from which the above-identified patent issued, which reflects the priority claim to International Application No. PCT/US02/32263, and U.S. Patent Application Nos. 10/410,945, 10/360,770, and 10/360,779 (Field 30), and (3) the Application Data Sheet filed in connection with the above-identified patent on April 11, 2005 (Exhibit C), which identifies International Application No. PCT/US02/32263, filed October 9, 2002, as well as U.S. Patent Application No. 10/410,945, filed April 9, 2003, U.S. Patent Application No. 10/360,770, filed January 6, 2003, and U.S. Patent Application No. 10/360,779, filed February 19, 2003, as applications to which International Application No. PCT/US03/031974 claims domestic priority as a continuation-in-part.

(D) A grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge as set forth in 37 C.F.R. 1.17(t), as required by 37 C.F.R. 1.78(a)(3). The applicants respectfully submit that the priority claim to International Application No. PCT/US02/32263, U.S. Patent Application No. 10/410,945, U.S. Patent Application No. 10/360,770, and U.S. Patent Application No. 10/360,779, was timely and properly made by the applicants, as reflected in the record of the above-identified patent, especially by way of the Application Data Sheet attached hereto as Exhibit C. The references to International Application No. PCT/US02/32263 and U.S. Patent Application Nos. 10/410,945, 10/360,770, and 10/360,779 were made with sufficient specificity as required by 37 C.F.R. 1.76(b)(5), and the Application Data Sheet was filed simultaneously with the complete filing papers for entry into the U.S. national phase, i.e., within four months of the filing date of the nonprovisional application as required by 37 C.F.R. 1.78(a)(2)(ii). As such, the applicants do not believe that there is a need for a petition to accept an unintentionally delayed claim for the benefit of a prior application. In any event, however, out of an abundance of caution, the applicants submit herewith a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application.

The applicants, therefore, respectfully request the issuance of a Certificate of Correction to reflect the appropriate priority reference to International Application No. PCT/US02/32263, filed October 9, 2002 as well as to U.S. Patent Application No. 10/410,945, filed April 9, 2003, U.S. Patent Application No. 10/360,770, filed January 6, 2003, and U.S. Patent Application No. 10/360,779, filed February 19, 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Kilyk Jr.", is written over a horizontal line.

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Date: July 21, 2010

# Exhibit A

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
17 April 2003 (17.04.2003)

PCT

(10) International Publication Number  
**WO 03/031464 A2**

(51) International Patent Classification<sup>7</sup>: **C07K**  
(21) International Application Number: PCT/US02/32263  
(22) International Filing Date: 9 October 2002 (09.10.2002)  
(25) Filing Language: English  
(26) Publication Language: English

(30) Priority Data:  
60/328,523 10 October 2001 (10.10.2001) US  
60/344,692 19 October 2001 (19.10.2001) US  
60/334,233 28 November 2001 (28.11.2001) US  
60/334,301 28 November 2001 (28.11.2001) US  
60/387,292 7 June 2002 (07.06.2002) US  
60/391,777 25 June 2002 (25.06.2002) US  
60/396,594 17 July 2002 (17.07.2002) US  
60/404,249 16 August 2002 (16.08.2002) US  
60/407,527 28 August 2002 (28.08.2002) US

(71) Applicant (for all designated States except US): **NEOSE TECHNOLOGIES, INC.** [US/US]; 102 Witmer Road, Horsham, PA 19044 (US).

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(74) Agents: **DOYLE, Kathryn** et al.; Morgan, Lewis & Bockius, L.L.P., 1701 Market Street, Philadelphia, PA 19103 (US).

(81) Designated States (*national*): AE, AG, AL, AM, AT (utility model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE, DK (utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model), FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZM, ZW.

(84) Designated States (*regional*): ARIPO utility model (GH), ARIPO patent (GH), ARIPO utility model (GM), ARIPO patent (GM), ARIPO utility model (KE), ARIPO patent (KE), ARIPO utility model (LS), ARIPO patent (LS), ARIPO utility model (MW), ARIPO patent (MW), ARIPO utility model (MZ), ARIPO patent (MZ), ARIPO utility model (SD), ARIPO patent (SD), ARIPO utility model (SL), ARIPO patent (SL), ARIPO utility model (SZ), ARIPO patent (SZ), ARIPO utility model (TZ), ARIPO patent (TZ), ARIPO utility model (UG), ARIPO patent (UG), ARIPO utility model (ZM), ARIPO patent (ZM), ARIPO utility model (ZW), ARIPO patent (ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

**Published:**

— without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: REMODELING AND GLYCOCONJUGATION OF PEPTIDES

(57) Abstract: The invention includes methods and compositions for remodeling a peptide molecule, including the addition or deletion of one or more glycosyl groups to a peptide, and/or the addition of a modifying group of peptide.



WO 03/031464 A2

# Exhibit B



(19) World Intellectual Property  
Organization  
International Bureau



(43) International Publication Date  
22 April 2004 (22.04.2004)

PCT

(10) International Publication Number  
**WO 2004/033651 A2**

- (51) International Patent Classification<sup>7</sup>: C12N  
Grove, PA 19090 (US). CHEN, Xi [CN/US]; 107 Whitney Place, Lansdale, PA 19446 (US).
- (21) International Application Number: PCT/US2003/031974 (74) Agents: DOYLE, Kathryn et al.; Morgan, Lewis & Bockius L.L.P., 1701 Market Street, Philadelphia, PA 19103 (US).
- (22) International Filing Date: 8 October 2003 (08.10.2003)
- (25) Filing Language: English (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (26) Publication Language: English (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).
- (30) Priority Data:  
PCT/US02/32263 9 October 2002 (09.10.2002) US  
10/287,994 5 November 2002 (05.11.2002) US  
10/360,770 6 January 2003 (06.01.2003) US  
10/360,779 19 February 2003 (19.02.2003) US  
10/410,945 9 April 2003 (09.04.2003) US
- (71) Applicant (*for all designated States except US*): NEOSE TECHNOLOGIES, INC. [US/US]; 102 Witmer Road, Horsham, PA 19044 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (*for US only*): DE FREES, Shawn [US/US]; 126 Filly Drive, North Wales, PA 19454 (US). ZOPF, David [US/US]; 560 W. Beechtree Lane, Wayne, PA 19087 (US). BAYER, Robert [US/US]; 6105 Dirac Street, San Diego, CA 92122 (US). BOWE, Caryn [US/US]; 310 Maple Avenue, Doylestown, PA 18901 (US). HAKES, David [US/US]; 14 Fern Avenue, Willow
- Published:**  
— without international search report and to be republished upon receipt of that report
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

(54) Title: ERYTHROPOIETIN: REMODELING AND GLYCOCONJUGATION OF ERYTHROPOIETIN

(57) Abstract: The invention includes methods and compositions for remodeling a peptide molecule, including the addition or deletion of one or more glycosyl groups to a peptide, and/or the addition of a modifying group to a peptide.



WO 2004/033651 A2

# Exhibit C

**Application Data Sheet**

**Application Information**

Application number::

Filing Date::

Application Type:: Regular

Subject Matter:: Utility

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R??::

Number of CD disks::

Number of copies of CDs::

Sequence Submission::

Computer Readable Form (CRF)?::

Number of copies of CRF::

Title:: ERYTHROPOIETIN: REMODELING AND  
GLYCOCONJUGATION OF ERYTHROPOIETIN

Attorney Docket Number:: 40853-01-5083-US01

Request for Early Publication:: No

Request for Non-Publication:: No

Suggested Drawing Figure::

Total Drawing Sheets:: 498

Small Entity?:: Yes

Latin name::

Variety denomination name::

Petition included?:: No

Petition Type::

Licensed US Govt. Agency::

Contract or Grant Numbers One::

Secrecy Order in Parent Appl.: No

## Applicant Information

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PA

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State or Province of Residence:: CA CA  
Country of Residence:: US  
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City of Mailing Address:: San Diego  
State or Province of mailing address:: CA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 92122

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Country of Residence:: US  
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State or Province of mailing address:: PA

Country of mailing address:: US  
Postal or Zip Code of mailing address:: 19090

Applicant Authority Type:: Inventor  
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Status:: Full Capacity  
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Middle Name::  
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State or Province of Residence:: PA  
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State or Province of mailing address:: PA  
Country of mailing address:: US  
Postal or Zip Code of mailing address:: 18901

Applicant Authority Type:: Inventor  
Primary Citizenship Country:: The Peoples Republic of China  
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### **Correspondence Information**

Correspondence Customer Number:: 043850

### **Representative Information**

Representative Customer Number:: 043850

### **Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This application is	National Phase	PCT/US03/031974	October 8, 2003
PCT/US03/031974	Continuation-in-Part	PCT/US02/032263	October 9, 2002
10/410,945	Continuation-in-Part	PCT/US02/032263	October 9, 2002
10/360,779	Continuation-in-Part	10/360,770	January 6, 2003
10/360,770	Continuation-in-Part	10/287,994	November 5, 2002

### **Foreign Priority Information**

Country::	Application number::	Filing Date::
WO	PCT/US03/031974	October 8, 2003

### **Assignee Information**

Assignee Name::  
Street of mailing address::  
City of mailing address::  
State or Province of mailing address::  
Country of mailing address::  
Postal or Zip Code of mailing address::